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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Technical Sergeant Enoch Knight

File: B-252190

Date: August 4, 1993

DIGEST

Retiring Air Force member stationed in California selected Erie, Pennsylvania, as his home in retirement, and claims the cost of a trip there to locate a residence, affirming his intention to complete relocation to Pennsylvania prior to the expiration of the 1-year limit on allowances for relocating to a retirement residence. Member continued to reside in California after the trip. He is not entitled under current regulations to travel and transportation allowances until he completes the move to the new residence and becomes a continuing and actual resident there.

DECISION

This action is in response to a request from Technical Sergeant (Tsgt.) (Retired) Enoch Knight for reconsideration of our Claims Group's December 4, 1992, denial of his claim for travel allowances. It is our view that the claim was properly denied. For the reasons set forth below, the denial is affirmed.

Tsgt. Knight retired from active duty on July 1, 1992. He chose Erie, Pennsylvania, as his "home of selection" in retirement. He traveled there to locate a residence and explore the job market, and subsequently claimed travel allowances from Travis Air Force Base in California to Pennsylvania by private automobile. However, he returned to California to undergo training as a peace officer, and continued to reside there.

The Air Force questioned payment and forwarded the matter to our Claims Group, noting that Tsgt. Knight filed no record of transportation or shipment of household goods either by commercial mover or by "do-it-yourself" move. The Air Force also determined that Tsgt. Knight's mailing address remained Vallejo, California, for purposes of his retirement pay record and check mailing.

Our Claims Group by settlement dated December 4, 1992 found that there was no evidence that Tsgr. Knight had established residence in Erie, Pennsylvania, and thus he had no entitlement to the travel allowances.

In his request for reconsideration, Tsgr. Knight explains that he traveled to Erie, Pennsylvania, to obtain lodgings, which he states he succeeded in finding. He provides an Erie street address as his future residence. He states that he rented a trailer and moved a portion of his belongings to Pennsylvania, leaving the remainder of his belongings in California.

Tsgr. Knight indicates that upon his completion of a basic peace officer training course, and attendance at a police academy in California, he will complete his retirement move to Pennsylvania and anticipates completion within the applicable 1-year time limitation.

Section 404 of title 37, United States Code provides that a member of a uniformed service may select his home for the purposes of travel and transportation allowances not later than 1 year from the date he is retired. Paragraph U5130 of the Joint Federal Travel Regulations provides that a member is entitled to travel and transportation expenses to his home of selection from his last duty station at retirement. Subparagraph U5130-B1 repeats the 1-year statutory limitation, beginning on the date of separation.

The purpose of the statute and regulations is to authorize travel at Government expense for a retired member to the place he resides following retirement. See 36 Comp. Gen. 774 (1957). The best evidence that the travel for which a member seeks reimbursement was to a place selected by him as his home upon retirement is his actual and continued residence at that place. In cases in which the member's stay in a particular place does not exceed the span of a short visit, the conclusion in the absence of other clear and convincing evidence to the contrary is that the travel involved was not travel to a selected home within the contemplation of the regulations. See 52 Comp. Gen. 242 (1972).

This office has consistently held that trip of short duration taken within 1 year of retirement for the mere purpose of visiting a possible future home site may not properly be considered travel to a selected home upon retirement under the regulations. Major Edward R. Lesesne, USA Retired, B-209044, March 1, 1983.

In the present case, Tsgr. Knight traveled to Erie, Pennsylvania to find lodgings for his eventual move there. He then returned to California to resume a course of study

and kept personal belongings in California. While his stated intention has been to reside in Pennsylvania, it is our view that the trip for which he claims expenses constitutes a visit rather than establishment of a bona fide residence in Pennsylvania. Thus, he is not entitled to the travel allowances for that trip.

Tsgt Knight's 1-year time limit expired on June 30, 1993. We have been unable to confirm whether he has moved to Pennsylvania. If he has moved there and if he did so prior to the expiration of the 1-year time limit, he is entitled to submit a claim for reimbursement of applicable travel and transportation allowances of the final move, less any funds already advanced to him for the relocation.

for *James F. Hinchman*
James F. Hinchman
General Counsel